

E-FILED on 4/5/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH R. BANISTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

No. C-06-80028 RMW
ORDER DISMISSING ACTION
[Re Docket Nos. 1, 5]

Since the United States has reportedly withdrawn the summons issued, there is no longer anything for this court to quash. Therefore, the action is dismissed. If plaintiff contends that the Internal Revenue Service has not withdrawn its summons as represented, it may ask that this matter be reinstated.

The clerk may close the file.

DATED: 4/5/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been sent to:**

2 **Counsel for Petitioner:**

3 Christopher J. Ertl
4 The Law Office of Robert G. Bernhoft, S.C.
5 207 East Buffalo Street
6 Suite 600
7 Milwaukee, WI 53202

6 **Counsel for Respondent:**

7 Jay R. Weill jay.weill@usdoj.gov

8
9 Counsel are responsible for distributing copies of this document to co-counsel that have not
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11
12 **Dated:** 4/5/06 /s/ JH
13 **Chambers of Judge Whyte**